

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

NORTH AMERICAN SUGAR INDUSTRIES INC.,

Plaintiff,

v.

BBC CHARTERING USA, LLC,

Defendant.

Civil Action No.: 4:21-cv-00012

**NINTH JOINT STATUS REPORT REGARDING BBC USA’S JURISDICTIONAL  
CHALLENGES IN THE FIRST ACTION**

Plaintiff North American Sugar Industries Inc. (“American Sugar”) and Defendant BBC Chartering USA, LLC (“BBC USA”) (together, the “Parties”), by and through their undersigned counsel, hereby submit this joint status report:

1. On January 26, 2021, this Court issued an order, Dkt. No. 21, granting American Sugar’s unopposed motion to stay the above-captioned case until the final resolution of the challenges to personal jurisdiction and subject matter jurisdiction raised in BBC USA’s motions to dismiss in *North American Sugar Industries Inc. v. Xinjiang Goldwind Science & Technology Co., Ltd.*, No. 20-cv-22471-DPG (S.D. Fla. June 15, 2020) (“First Action”), ECF Nos. 48, 54. Among other things, that order directed the Parties to submit a status report on April 2, 2021 and every 60 days thereafter. Dkt. No. 21.

2. As of the date of this joint status report, BBC USA’s jurisdictional challenges in the First Action have not been finally resolved.

3. With respect to BBC USA's challenges to subject matter jurisdiction in the First Action, First Action ECF No. 54, the court in that action has held that American Sugar has sufficiently pleaded standing, *see* First Action ECF No. 145. The First Action court dismissed without prejudice American Sugar's original complaint, First Action ECF No. 1, on other, non-standing grounds, and granted leave for American Sugar to file an amended complaint by November 1, 2021, *see* First Action ECF Nos. 163, 167, 187.

4. With respect to BBC USA's challenges to personal jurisdiction in the First Action, the First Action court denied as moot BBC USA's motion to dismiss raising those challenges, First Action ECF No. 48, after it dismissed American Sugar's original complaint without prejudice. *See* First Action ECF No. 145.

5. American Sugar filed its Amended Complaint on November 1, 2021. *See* First Action ECF No. 189. BBC USA filed its renewed motion to dismiss for lack of personal jurisdiction on December 6, 2021. *See* First Action ECF No. 199. American Sugar filed its opposition on January 14, 2022, *see* First Action ECF No. 218. BBC USA filed its reply on February 18, 2022. *See* First Action ECF No. 238.

6. The First Action defendants filed a joint motion to dismiss for failure to state a claim on December 22, 2021. *See* First Action ECF No. 215. BBC USA and BBC Chartering Singapore Pte Ltd. filed an individual motion to dismiss for failure to state a claim the same day. *See* First Action ECF No. 216. American Sugar filed its opposition to the joint Rule 12(b)(6) motion on February 7, 2022, *see* First Action ECF No. 233, and its opposition to BBC USA's individual Rule 12(b)(6) motion on February 21, 2022, *see* First Action ECF No. 241. The First Action defendants filed their replies on March 14, 2022. *See* First Action ECF Nos. 243, 244.

7. The First Action court referred defendants' motions to dismiss for lack of personal jurisdiction to Magistrate Judge Otazo-Reyes on May 10, 2022, *see* First Action ECF No. 251, and a hearing on those motions was held on June 21, 2022. *See* First Action ECF Nos. 254, 255. American Sugar and the First Action defendants filed post-hearing briefs on July 21, 2022. *See* First Action ECF Nos. 260, 262, 263, 264.

8. On August 30, 2022, Magistrate Judge Otazo-Reyes issued a report and recommendation to grant defendants' motions to dismiss for lack of personal jurisdiction. *See* First Action ECF No. 277. American Sugar filed objections to the report and recommendation on September 20, 2022. *See* First Action ECF No. 282. Defendants' joint response to American Sugar's objections to the report and recommendation is due October 11, 2022. *See* First Action ECF No. 290. The matter is stayed pending full briefing on and resolution of defendants' motions to dismiss. *Id.*

9. The Parties will submit their next joint status report on or before November 28, 2022, pursuant to the Court's January 26, 2021 order. *See* Dkt. No. 21.

Dated: September 27, 2022

Respectfully submitted,

/s/ Collin J. Cox

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**CERTIFICATE OF SERVICE**

I hereby certify that, on September 27, 2022, the foregoing document was electronically filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Collin J. Cox  
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